THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21209 of 2006

Dated:13-10-2006

Between:

Ram Prakash Agarwal and others.

..... PETITIONERS

AND

The Sub-Registrar, Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.21209 of 2006

ORDER:

The petitioners purchased land admeasuring Acs.4.15 guntas in survey No.257 situated Mamidipally Village, Saroornagar Mandal, Ranga Reddy District from Sayeeduddin and three others under registered sale deed dated 23-05-2006 and the same was presented for registration before respondent No.1, who kept the same pending, being document No.P.142/2006. When they approached respondent No.1 to know the reasons for keeping the document pending, notice dated 04-10-2006 was issued by respondent No.1 informing them that the property, which was purchased under the sale deed presented for registration, cannot be registered as prior sanction of the Wakf Board is not produced before the Registering Authority. Aggrieved by the same, present writ petition is filed.

Sections 71, 72 and 77 of the Registration Act, 1908 (the Act, for brevity) deal with a situation where the Registering Authority refuses to register a document for some reason or the other. These provisions read as under.

> 71. **Jurisdiction of Magistrate**:- No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Act.
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> 72. **Place of trial**:- Every such offence committed in respect of any instrument may be tried in any district or presidency town in which such instrument is found as well as in any district or presidency town in which such offence might be tried under the Code of Criminal Procedure for the time being in force.
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> 77. **Saving as to Court-fees**:- Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to Court-fees.

Therefore, when respondent No.1 refuses registration, the remedy of the petitioners is to approach the District Registrar under Section 72 of the Act. Even if the District Registrar declines to direct the Registering Authority under Section 72 of the Act to register the document presented for registration, the person presenting the document or the person claiming under such document has a remedy of instituting a suit in civil Court within the local limits of whose jurisdiction the office of the registering officer is situated. Therefore, the petitioners have an effective alternative remedy, which has not been availed. This Court is not inclined to go into the merits of the case. Liberty is given to the petitioners to approach the District Registrar by filing an appeal and place all the material. As and when such appeal is filed, the District Registrar shall consider the same and pass appropriate orders within a

period of two weeks from the date of presentation of the appeal under Section 72 of the Act.

The writ petition, with the above observations and without expressing any opinion on the merits of the case, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

13th October, 2006
ghn